

## NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

**RULE REPEAL AND PROMULGATION:** DMR Regulation 95.04 JJ, Closed Area No. 42-B, Burnt Coat Harbor, Swan's Island, promulgated on November 5, 2001, is repealed and replaced with the following rule:

**TEXT OF RULE:** DMR Regulation 95.04 JJ, Closed Area No. 42-B, Burnt Coat Harbor, Swan's Island.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Burnt Coat Harbor inland (east) of a line beginning at the westernmost point of City Point, running south approximately 700 yards to Adam's Wharf.
2. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Burnt Coat Harbor inland (west) of a line beginning at the Swan's Island Fisherman's Co-Op fuel tanks, running due south to a red painted post approximately 75 yards south of the old Boathouse Restaurant.
3. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Burnt Coat Harbor inland (east) of a line beginning at an unnamed point of land approximately 250 yards west of the International Masonry Institute, and running south to the westernmost point of Burnstoffs Point.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: July 15, 2004

AGENCY CONTACT PERSON: Amy M. Fitzpatrick  
Department of Marine Resources  
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West Boothbay Harbor, Maine 04575

BANGOR DAILY NEWS  
July 19, 2004

### STATEMENT OF FACT AND POLICY

As authorized by 12 M.R.S.A. Sections 6172 and 6192, the Commissioner of the Maine Department of Marine Resources repeals emergency DMR Regulation 95.04 JJ, Closed Area No. 42-B, Burnt Coat Harbor, Swan's Island, promulgated on November 5, 2001, and replaces it with a new regulation. This new regulation reduces the size of the existing closure by opening a portion of the closure in the vicinity of Johnston's Island.

Department personnel have surveyed and sampled the area and determined that past pollution threats no longer exist in certain portions of southeast Burnt Coat Harbor and may be reopened to shellfish harvesting.



HAROLD C. WINTERS

ADMINISTRATIVE OFFICER FOR GEORGE D. LAPOINTE,  
COMMISSIONERAS AUTHORIZED BY 12 M.R.S.A. SECTION 6023





# Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

For: Swans Island

**C42B - Burnt Coat Harbor, Swan's Island 7/15/04**

